

FEBRUARY 2003 UNIFIED PROGRAM NEWSLETTER

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State Water Resources Control Board

Preliminary Draft "Red Tag" Regulations

Click on the following link to view the preliminary draft "red tag" regulations:

http://www.swrcb.ca.gov/cwphome/ust/Text-1-29-03-final%20draft_CUPA_.PDF

Enhanced Leak Detection (ELD) Notifications

Notifications were mailed to owners and operators of USTs within 1,000 feet of a public drinking water well in mid-February. Letters will also be sent to affected water purveyors. USTs with a single-walled component need to have ELD testing every three years and USTs installed before July 1, 2003, need to have one-time ELD testing before January 1, 2005. The counties covered by this mailing are: Alpine, Amador, Butte, Calaveras, Del Norte, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Napa, Nevada, Placer, Plumas, Siskiyou, Sonoma, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba, and cities of Petaluma and Santa Rosa. (No UST facilities for Colusa, Inyo, Marin, Shasta, or Sierra Counties.)

Monthly UST Inspectors' Workshop

The UST Inspectors' Workshop was held February 18, 2003; topics included: Secondary Containment Testing Methods and Field Testing Procedures for Line Leak Detectors.

<http://www.swrcb.ca.gov/cwphome/ust/workshop/info.html>

Department of Toxic Substances Control

Authorization to Transfer/Release Financial Assurance Mechanism for Permit-by-Rule and Conditionally Authorized Facilities

DTSC has drafted a model letter for CUPAs to use in requesting DTSC to release a financial mechanism for a number of specified reasons. Attached is a transmittal memo from DTSC and the model letter in both Word and WordPerfect formats.

State Fire Marshal

Overview of SFM

Attached is an overview of the SFM.

Cal/EPA

Survey for 2003 UPAAG Strategic Plan

Cal/EPA has developed a brief survey (attached) to gather input for the Unified Program Administration and Advisory Group annual strategic planning meeting scheduled for late March. Information gathered in the survey will help us understand your concerns, goals, questions, and suggestions and will help us continue to improve the Unified Program. Any comments you can provide would be appreciated.

AEO Guidance Documents

Guidance for implementing the new Administrative Enforcement Order authority and the procedure for accessing the state contract for an administrative law judge are available on the Unified Program website's Publications and Forms Page: <http://www.calepa.ca.gov/CUPA/Publications/>

UPCF in Word Format

The Unified Program Consolidated Forms are now available on the Unified Program website's Publications and Forms Page in both Word and PDF. <http://www.calepa.ca.gov/CUPA/Publications/>

New Staff

The Unified Program Section has a new environmental scientist on staff. Tina Gonzales joined the Unified Program Section at the beginning of February. Tina has worked with CalEPA for the last 10 years including working at the Permit Assistance Centers and the Regional Water Quality Control Board - Palm Desert with technical experience working on issues with Storm Water, Underground Storage Tanks/Above Ground Tanks, and the Salton Sea Watershed.

Unified Program Newsletter ListServ

Beginning next month the newsletter will be posted directly on Cal/EPA's website and a notification will be sent to each person once the newsletter has been posted. We hoped to begin the new system this month, as mentioned in previous newsletters, but encountered some timing problems. Those who currently receive the newsletter will automatically receive notifications; there is no need to sign up again. If you know others who would like to sign up for the newsletter please refer them to our website: <http://www.calepa.ca.gov/CUPA/WhatsNew/>

The Unified Program Section is interested in your comments and suggestions regarding the monthly newsletter. Please provide comments and suggestions to cupa@calepa.ca.gov.



Department of Toxic Substances Control



Winston H. Hickox
Agency Secretary
California Environmental
Protection Agency

Edwin F. Lowry, Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gray Davis
Governor

February 10, 2003

TO: CERTIFIED UNIFIED PROGRAM AGENCIES

SUBJECT: AUTHORIZATION TO TRANSFER/RELEASE FINANCIAL ASSURANCE
MECHANISM FOR PERMIT BY RULE (PBR) AND CONDITIONALLY
AUTHORIZED (CA) FACILITIES

The Department of Toxic Substances Control (DTSC) has developed the enclosed model form letter for Certified Unified Program Agencies (CUPAs) to use for submitting requests to DTSC for transferring the beneficiary from DTSC to the CUPA or for releasing the financial assurance mechanism to the facility. At times, DTSC receives such requests either directly from a business or from a CUPA staff either verbally (via telephone) or by e-mail. Occasionally, such requests are made through letters. In most instances the request does not specify the reason for releasing the mechanisms or if such a request has been approved by the CUPA manager. This form letter will not only provide statewide consistency in making such requests or having DTSC obtain requests approved by the CUPA managers but will also expedite the submission and processing of these requests.

Please note that the italicized information contained within parenthesis is to be completed by the CUPA depending on the type of action needed, CUPA/facility name and address and the type of treatment unit(s). Completed requests should be signed only by the CUPA manager or designee.

If you have any additional questions about this model form letter, you may contact Stephen Binning of my staff at (916) 255-3751.

Sincerely,

Charles A. McLaughlin, Chief
Northern California Branch
State Regulatory Programs Division

Enclosures

cc: See Next Page.

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption.
For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at www.dtsc.ca.gov.*

♻️ Printed on Recycled Paper

Certified Unified Program Agencies

February 10, 2003

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cc: Mr. Donald A. Johnson
Assistant Secretary for Local Programs
California Environmental Protection Agency
1001 "I" Street
Sacramento, California 95814

Ms. Peggy Harris, P.E., Chief
State Regulatory Programs Division
Hazardous Waste Management Program
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806

(ON CUPA LETTERHEAD)

Dr. Sangat Kals
Section Chief
Northern California Branch
State Regulatory Programs Division
Department of Toxic Substances Control
8800 Cal Center Drive
Sacramento, CA 95826-3200

SUBJECT: AUTHORIZATION TO *(TRANSFER/RELEASE)* FINANCIAL
ASSURANCE MECHANISM FOR *(FACILITY NAME, ADDRESS,
AND EPA ID#)*

Dear Dr. Kals:

The *(NAME OF CUPA)* requests the Department of Toxic Substances Control to
(transfer/release) the financial assurance mechanism submitted by *(NAME OF
FACILITY)* located at *(FACILITY ADDRESS)* for the closure of their *(PBR/CA
unit/units)* because:

Check appropriate box

- ☐ The current mechanism incorrectly lists DTSC as beneficiary; please
make the necessary arrangements to change the beneficiary to *(NAME
OF CUPA)*
- ☐ The facility has completed closure according to the closure plan and has
submitted the required closure certification
- ☐ The closure cost estimate is less than \$10,000.00
- ☐ The facility has submitted an approved replacement mechanism
- ☐ The facility is exempt from onsite treatment authorization requirements
because:

☐ Other reason:

Sincerely,

CUPA Manager

cc: facility



Office of the State Fire Marshal

The Mission of the State Fire Marshal is to protect life and property through the development and application of fire prevention, engineering, education and enforcement.

State Board of Fire Services

The Board provides a forum for addressing fire protection and prevention issues of statewide concern; and is chaired by the California State Fire Marshal.

Code Enforcement

The Code Enforcement Division enforces all laws and regulations of the State Fire Marshal such as Titles 19 and 24, state-owned and occupied structures in accordance with established priority inspections schedules. The Division is responsible for State Fire Marshal adopted regulations and Health & Safety Code Sections 13145, 13146.1, 13146.2 for all detention facilities, schools, health care facilities, R-1 occupancies within SFM jurisdiction and assist local authorities having jurisdiction. Deputy State Fire Marshals are located throughout the state and conduct the construction inspections for all the plan review projects.



CFIRS/NFIRS (California Fire Reporting System/National Fire Incident Reporting System)

The California Fire Incident Reporting System (CFIRS) is a statewide emergency incident data program that collects, compiles, analyzes and distributes statistical information reported by the California Fire Service. CFIRS was created in 1974 in response to Health and Safety Code 13110.5 to provide fire data and information to the fire community, and as a resource for the public. The data collected by CFIRS includes such information as the numbers of fires, causes of fires, types of fires, location of fires, and fire-caused deaths. The information is used to help fire departments target their resources and education programs, as well as develop and support fire safety legislation.

CUPA (Certified Unified Program Agency)



The California's Secretary for Environmental Protection (CalEPA) established a unified hazardous waste and hazardous materials management regulatory program (Unified Program) as required by statute (Health and Safety Code Chapter 6.11). The State Fire Marshal participates in all levels of the CUPA program including: regulatory oversight, CUPA certifications, evaluations of the approved CUPA's, and training and education.

Fire Engineering

The Fire Engineering Division administers licensing programs and performs engineering functions affecting consumer services, product evaluation, approval and listing. The program requires staff with academic training in fire protection engineering and other disciplines, as well as technical expertise in laboratory testing procedures.

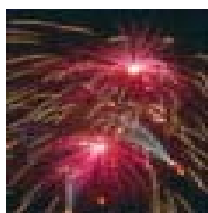
Fire Engineering Programs



BML (Building Materials Listing) BML was originally created to mandate that all fire alarm systems and fire alarm devices be approved and listed by the State Fire Marshal, prior to sale or marketing within the state. The program later was expanded. Each product approval and listing is based upon an evaluation of test results that include an analysis of required product performance and reliability features. All companies that want to list products in California must have those products tested by a SFM accredited laboratory. The SFM listing service provides building authorities, architectural and engineering communities, contractors, and the fire service with a reliable and readily available source

of information.

Fire Extinguishing Systems The certification and licensing by the State Fire Marshal (SFM), for fire extinguishers and systems sold and serviced here in California, ensures that strict standards are met for these life saving devices.



Fireworks The California's Fireworks Law, passed in 1938, established the State Fire Marshal as the only fireworks classification authority in California. Fireworks are classified through laboratory analysis, field examinations and test firing of items. As part of the program, SFM requires the licensing of all pyrotechnic operators, fireworks manufacturers, importer-exporters, wholesalers, retailers, and public display companies. The State's Explosives Law authorizes the California State Fire Marshal to adopt regulations for the safe use, handling, storage and transportation of explosives.

Flame Retardant Fabrics/Chemical In California, the State Fire Marshal staff issue certificates of registration for approved flame retardant chemicals, for those individuals and companies that apply flame retardant chemicals, for nonflammable materials, and for fabrics that have been treated with flame retardant chemicals. All approved and registered flame-retardant chemicals; nonflammable materials and treated fabrics are first subjected to laboratory testing and must satisfactorily demonstrate their flame-retardant capabilities. The SFM has the authority in drinking and dining establishments, places of public assembly and schools, to require decorative materials and fabrics (curtains, drapes, drops, hangings and tents, awnings or other fabric enclosures) be made from a nonflammable material, or treated with approved flame retardant chemicals.



Laboratory Accreditations SFM currently has accredited more than 30 laboratories to perform tests on various products using SFM adopted and/or national recognized standards. These tests range from the examination of portable fire extinguishers to complete full-scale tests of fire resistive wall and/or ceiling-floor assemblies. Tests conducted by laboratories must be accurate and dependable, since the results determine the fire resistance approval of a product. Improperly tested products can have disastrous effects on the safety of individuals using them or within a building where they are installed should a fire occur. Laboratories wishing accreditation must be inspected by SFM approved staff. Inspections include the evaluation of specific test equipment and laboratory personnel. This accreditation process ensures that all products submitted to the Office of the State Fire Marshal for evaluation have been tested by qualified people and conducted using accurately calibrated and constructed equipment.



Motion Picture & Entertainment Safety The Program's primary role is to act as a liaison between the California Fire Service and the Motion Picture and Television Industry. Program staff work with local film commissions, the State Film Commission, and the film and entertainment industry providing training, special investigations, inspections, and on-location technical assistance. Staff also provide technical interpretation of SFM laws and regulations relating to the use of pyrotechnic special effects.

Vapor Recovery The State Fire Marshal Vapor Recovery Program was created in 1977 to assist the California Air Resource Board in maintaining minimum standards for the prevention of fire and/or explosion caused by unsafe vapor recovery systems or components which include, but are not limited to, gasoline nozzles, shear valves, breakaways couplings, vapor recovery pumps, flow limiters, pressure/vacuum relief valves, etc. SFM is the only agency responsible for determining whether any vapor recovery system or component poses a greater than normal fire hazard.



Pipeline Safety Division

The State Fire Marshal (SFM) regulates the safety of approximately 5,500 miles of intrastate hazardous liquid transportation pipelines and acts as an agent of the federal Office of Pipeline Safety concerning the inspection of more than 2,000 miles of interstate pipelines. Pipeline Safety staff inspect, test, and investigate to ensure compliance with all federal and state pipeline safety laws and regulations. All spills, ruptures, fires, or similar incidents are responded to immediately; all such accidents are investigated for cause.

Hazardous liquid pipelines are also periodically tested for integrity using procedures approved by SFM. The program has been certified by the federal government since 1981. The SFM also maintains Geographic Information Systems (GIS)-based maps of all regulated pipelines and has been named as a state repository for pipeline data by the National Pipeline Mapping System (NPMS).

Code Development & Analysis

The Code Development and Analysis Division reviews all of California's regulations relating to fire and life safety for relevancy, necessity, conflict, duplication and/or overlap. The division also prepares the California State Fire Marshal's fire and life safety regulations and building standards for review and adoption by the California Building Standards Commission.



Date: February 19, 2003

To: Unified Program Agencies
State Agency Representatives
Other Interested Parties

From: Larry Matz, Chief
Unified Program Section
California Environmental Protection Agency

SUBJECT: REQUEST INPUT FOR UNIFIED PROGRAM STRATEGIC PLANNING

The Unified Program Administration and Advisory Group (UPAAG) was developed to facilitate coordination and communication among state, federal, and local agencies and is made up of representatives from the CUPA Forum Board, Cal/EPA, other State Program Managers, and USEPA. UPAAG meets approximately quarterly with one meeting each year devoted to Strategic Planning that guides the following years work. This year's planning meeting will be next month on the 26th and 27th of March, 2003. Before the meeting, we would like to gain some input from as many others as possible to help identify and prioritize our work.

Attached to this letter is a brief survey intended to help us understand your concerns, goals, questions, and suggestions that will help us continue to improve the program. In addition to the prepared questions, we would also appreciate any further comments or suggestions you feel are useful.

As this meeting is scheduled in late March, we would appreciate responses as soon as possible to allow us adequate time to review and compile your responses. Please provide your response via email (cupa@calepa.ca.gov) or fax (916-322-5615) no later than March 12, 2003. We appreciate your help and ongoing support of the Unified Program.

2003 Survey for the UPAAG Strategic Plan

1. Does the Strategic Plan capture the issues you believe are necessary?
2. What other goal, objective, or strategy should be added? Why?
3. Based on this plan, do you think the Unified Program is heading in the right direction?
4. What goal, objective, or strategy should be deleted? Why?
5. Please identify your three highest priority objectives and strategies. Also identify your three lowest priority objectives or strategies.

STRATEGIC PLAN

2002-2003

Unified Program Administrative and Advisory Group

MISSION

To protect public health and safety, to restore and enhance environmental quality, and sustain economic vitality through effective and efficient implementation of the Unified Program.

PHILOSOPHY

The Unified Programs will continue to play an active role in policy oversight and implementation of the Unified Program. All Unified Program participants at the federal, state and local level shall engage in a quality of communication which enhances mutual trust.

UPAAG STRATEGIC PLAN GOALS AND OBJECTIVES

2002-2003

► GOAL 1 ◄

State and Federal Agencies shall continue full participation and coordination in their oversight of the Unified Program and shall speak with a unified, consistent voice in communicating with local agencies.

OBJECTIVE(S)

1. Develop strategic plan for each program element using Hazardous Waste model.

Strategies:

- a. Clearly define the roles and responsibilities of federal, state and local government.
- b. State Water Resources Control Board shall have a representative in UPAAG for the Above Ground Storage Tank Program.
- c. Each Program within USEPA shall have a representative in UPAAG and policy groups.
- d. Revise Title 27 to reflect necessary changes and to update forms and the electronic submission of data.
- e. Develop guidance and unified models.

UPAAG STRATEGIC PLAN GOALS AND OBJECTIVES

2002-2003

► GOAL 2 ◀

Build, enhance and maintain effective communication among all stakeholders.

OBJECTIVE(S)

1. Develop and implement a plan to communicate the work and success of the Unified Program.
2. Involve the Cal-CUPA Forum Board in development of the Unified Program related regulations and legislation beginning at the conceptual stages.
3. Develop and implement a plan to improve intra-board and departmental communication.
4. Continue to improve the communication among the Unified Program agencies.
5. Enhance the involvement of the public, regulated groups and the environmental community in the Unified Program.
6. Address increased workload for e-waste, Universal waste/mercury/etc.

Strategies:

- a. Distribution of “monthly mailout” to all interested parties.
- b. Develop annual “State of the Unified Program Report”.
- c. Maintain updated Internet sites with links to related sites.
- d. Improvement of partnerships by communicating legislative and regulatory information and providing guidance.
- e. Develop guidelines for releasing sensitive information.

UPAAG STRATEGIC PLAN GOALS AND OBJECTIVES

2002-2003

► GOAL 3 ◄

To enhance professional, effective, and consistent service delivery by adequately training all federal, state, and local agency participants.

OBJECTIVE(S)

1. Develop and implement annual training plans in coordination with other federal, state and local agencies.
2. Coordinate training plans with other federal, state and local agencies.
3. Identify adequate funding to support annual training plans.
4. Increase Federal involvement in training.
5. Develop mechanism for Unified Program participants to share technical expertise and resources to improve program implementation.

Strategies:

- a. Develop training strategy/competency standards/core curriculum.
- b. Develop training to meet identified core competencies.
- c. Develop virtual training.
- d. Develop training for trainers.

UPAAG STRATEGIC PLAN GOALS AND OBJECTIVES 2002-2003

► GOAL 4 ◀

Assure consistent compliance of regulated facilities.

OBJECTIVE(S)

1. Develop coordinated, consistent and consolidated enforcement processes for the Unified Program.
2. Uniform inspection procedures across all program elements.

Strategies:

- a. Legislation to adopt administrative enforcement for all program elements.
- b. Develop a plan to apply the full scope of options and define full range of compliance tools that ensures consistent compliance of regulated facilities.
- c. Develop guidance and unified models, policies and procedures.

UPAAG STRATEGIC PLAN GOALS AND OBJECTIVES

2002-2003

► GOAL 5 ◄

The Unified Program will be implemented in all jurisdictions.

OBJECTIVE(S)

1. Develop a plan, including a timeline, to complete implementation of the Unified Program statewide.

UPAAG STRATEGIC PLAN GOALS AND OBJECTIVES

2002-2003

► GOAL 6 ◀

Have coordinated, standardized, statewide reporting of data essential for Unified Programs implementation.

OBJECTIVE(S)

1. Ensure statewide data exchange through compatibility with the various federal, state, and local databases to retrieve, receive and store data required in Title 27.
2. Ensure continuous improvement of collection and reporting of Unified Program information.
3. Ensure consistent interpretation of data to promote sound analysis and decision-making.

Strategies:

- a. Reconvene the data and forms committee by May of 2002.
- b. Modify Title 27 to consolidate environmental reporting requirements.
- c. IDEA project

UPAAG STRATEGIC PLAN GOALS AND OBJECTIVES

2002-2003

► GOAL 7 ◄

Demonstrate Unified Program performance and success.

OBJECTIVE(S)

1. Review and revise evaluation process as needed.

Strategies:

- a. Develop indicators to measure performance and success of the Unified Program.

UPAAG STRATEGIC PLAN GOALS AND OBJECTIVES

2002-2003

► GOAL 8 ◀

Explore and evaluate opportunities to enhance service delivery by participating in health, life safety and environmental programs related to the Unified Program.

OBJECTIVE(S)

1. Define the role of the Unified Program in mitigation and remediation of hazardous materials releases.
2. Coordinate related activities, which will include plans and data collection that will enhance the effectiveness of the Unified Program and other governmental efforts to protect public health, safety, and the environment.
3. Continue to coordinate Unified Program Agencies with LEPCs.
4. Coordinate Unified Program Agencies with the operational areas.
5. Contribute to the coordination of Federal, State, and Local emergency planning processes.
6. Coordinate and communicate efforts regarding terrorist issues affecting the Unified Program.